

REMARKS

Claims 1-20 remain for reconsideration.

On June 9, 2006 a telephonic interview between the Examiner and the undersigned resulted in an agreed upon Examiner's Amendment that the Examiner proposed by email. Applicant responded to the email indicating that the Amendment accurately reflected the discussion of the interview. It was indicated that the Amendment would put this case in condition for allowance. However, neither that Examiner's Amendment nor Applicant's reply appears to have been entered into the record according to PAIR. Attempts to call the Examiner concerning this have been unsuccessful as the number rings and never goes to voicemail. Nevertheless, this appears to be a moot point since the present Office Action presents all new grounds of rejection.

Applicants note with appreciation the Examiner indication that claims 7-20 are allowed over the prior art of record and further that claims 3-5 would be allowed if rewritten into independent form.

The sole rejection present in the application now stands against claims 1, 2, and 6 under 35 U.S.C. § 102(e) as being anticipated by U.S. Published Application 2003/0231666 to Diaber et al. (now U.S. Patent 6,763,047). This rejection is respectfully traversed based on the following discussion. It is

noted that Diaber contains common inventors with the present application and, in addition, is commonly assigned to Intel Corporation.

In making the rejection, at least with regard to independent claim 1 (and similarly 2 and 6), the Examiner is of the opinion that Diaber identically discloses that which is claimed. In particular, the Examiner states that Diaber teaches a first and second tunable elements and first and second error signals as well as the claimed “controller (see Fig. 6, Character 84) to linear relate said first error signal and said second error signal to output a first control signal to control said first tunable element and a second control signal to control said second tunable element” (emphasis added). For this teaching, the Examiner relies on Figure 6 and paragraphs [0052-0053].

However, Diaber, including the relied upon passages, do not explicitly teach a “controller to linear relate said first error signal and said second error signal to output a first control signal to control said first tunable element and a second control signal to control said second tunable element” as claimed.

Diaber does not appear to explicitly teach a first and a second error signal. Rather, Diaber appears to generally discuss detector error signals generated by detector 84. There does not appear to be a discussion or teaching of two separate, identified (i.e. first and second) error signals and therefore certainly does not teach “linearly relating” such signals since they don’t seem .

to appear in this manner in this reference. That is not to say that its not possible for Diaber to do so, it is simply des not appear to be shown as required under 102(e).

MPEP § 2131 mandates that "TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT IN THE CLAIM". Furthermore, the MPEP, citing *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1051, 1053 (Fed. Cir. 1987), states "[t]he identical invention must be shown in as complete detail as is contained in the... claim" (emphasis added).

Here, Diaber does not teach the recited "controller to linear relate said first error signal and said second error signal". It is therefore respectfully submitted that the rejections to the claims are improper under Section 102 as Diaber cannot anticipate the rejected claims since it does not "teach the identical invention". Based on the above discussion with reference to the MPEP guidelines, it is respectfully requested that the rejections based on 35 U.S.C. § 102 be withdrawn.

This being the only rejection to claims 1, 2, and 6 it is respectfully requested that these claims be allowed.

In view of the foregoing, it requested that the application be reconsidered, that claims 1, 2, and 6 be allowed along with all other claims 1, 3-5, and 7-20 and that the application be passed to issue. Please charge any

shortages and credit any overcharges to Intel's Deposit Account number 50-0221.

Respectfully submitted,

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